



## Senate

General Assembly

**File No. 609**

February Session, 2010

Substitute Senate Bill No. 168

*Senate, April 21, 2010*

The Committee on Appropriations reported through SEN. HARP of the 10th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

### ***AN ACT CONCERNING WORKERS' COMPENSATION AND A POLICE OFFICER'S USE OF DEADLY FORCE ON A MAMMAL.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivisions (16) and (17) of section 31-275 of the general  
2 statutes are repealed and the following is substituted in lieu thereof  
3 (*Effective from passage and applicable to any claim pending on or filed on or*  
4 *after said date*):

5 (16) (A) "Personal injury" or "injury" includes, in addition to  
6 accidental injury that may be definitely located as to the time when  
7 and the place where the accident occurred, an injury to an employee  
8 that is causally connected with the employee's employment and is the  
9 direct result of repetitive trauma or repetitive acts incident to such  
10 employment, and occupational disease.

11 (B) "Personal injury" or "injury" shall not be construed to include:

12 (i) An injury to an employee that results from the employee's

13 voluntary participation in any activity the major purpose of which is  
14 social or recreational, including, but not limited to, athletic events,  
15 parties and picnics, whether or not the employer pays some or all of  
16 the cost of such activity;

17 (ii) A mental or emotional impairment, unless such impairment  
18 arises (I) from a physical injury or occupational disease, or (II) in the  
19 case of a police officer, from such police officer's use of deadly force or  
20 subjection to deadly force in the line of duty, regardless of whether  
21 such police officer is physically injured, provided such police officer is  
22 the subject of an attempt by another person to cause such police officer  
23 serious physical injury or death through the use of deadly force, and  
24 such police officer reasonably believes such police officer to be the  
25 subject of such an attempt, or from such police officer's interaction  
26 with a mammal in the line of duty, regardless of whether such police  
27 officer is physically injured, provided the mammal displayed behavior  
28 during the interaction that resulted in the police officer reasonably  
29 believing that he or she was in imminent danger of serious physical  
30 injury or death from such mammal. As used in this clause, "police  
31 officer" means a member of the Division of State Police within the  
32 Department of Public Safety, an organized local police department or a  
33 municipal constabulary, and "in the line of duty" means any action that  
34 a police officer is obligated or authorized by law, rule, regulation or  
35 written condition of employment service to perform, or for which the  
36 police officer is compensated by the public entity such officer serves;

37 (iii) A mental or emotional impairment that results from a personnel  
38 action, including, but not limited to, a transfer, promotion, demotion  
39 or termination; or

40 (iv) Notwithstanding the provisions of subparagraph (B)(i) of this  
41 subdivision, "personal injury" or "injury" includes injuries to  
42 employees of local or regional boards of education resulting from  
43 participation in a school-sponsored activity but does not include any  
44 injury incurred while going to or from such activity. As used in this  
45 clause, "school-sponsored activity" means any activity sponsored,

46 recognized or authorized by a board of education and includes  
47 activities conducted on or off school property and "participation"  
48 means acting as a chaperone, advisor, supervisor or instructor at the  
49 request of an administrator with supervisory authority over the  
50 employee.

51 (17) "Physician" includes any person licensed and authorized to  
52 practice a healing art, as defined in section 20-1, and licensed under the  
53 provisions of chapters 370, 372 and 373 to practice in this state.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage and applicable to any claim pending on or filed on or after said date</i>	31-275(16) and (17)

**APP** Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$
Public Safety, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

#### **Municipal Impact:**

Municipalities	Effect	FY 11 \$	FY 12 \$
All Municipalities	STATE MANDATE - Cost	Potential	Potential

### **Explanation**

The bill may have a potential fiscal impact on the state and municipalities because it requires the state and municipalities to cover police officers' workers' compensation claims for mental and emotional impairment resulting from an interaction with a mammal, wherein, the officer reasonably believed he/she was in imminent danger of serious physical injury or death.

It is not known how many mental or emotional impairment claims are filed in a given year by municipal and state police officers. The average workers' compensation medical liability for a single emotional impairment claim can be as high as \$10,500<sup>1</sup>. There are approximately 7,113 municipal police officers and 1,099<sup>2</sup> state police.

### **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of approved claims

<sup>1</sup> The average claim consists of 35 office visits, which can range from \$150-\$300 per visit.

<sup>2</sup> Data represents the number of filled state police positions.

filed.

Sources: *Police Officers Standards and Training Council*  
*Core-CT Financial Accounting System*

**OLR Bill Analysis****sSB 168*****AN ACT CONCERNING WORKERS' COMPENSATION AND A POLICE OFFICER'S USE OF DEADLY FORCE ON A MAMMAL.*****SUMMARY:**

This bill allows a police officer to receive mental or emotional impairment benefits under workers' compensation for an interaction with a mammal whose behavior led the officer to reasonably believe that he or she was in imminent danger of serious physical injury or death. The bill does not require a physical injury to qualify for benefits. Under current law, an officer can qualify for such benefits (without a physical injury) if (1) a person used deadly force in an attempt to seriously injure or kill him or her or (2) the officer used deadly force. The bill covers state and local police acting in the line of duty.

By law, except as stated above, workers' compensation provides work-related emotional and mental impairment benefits (such as counseling or therapy) only if the impairment stems from a physical work-related illness or injury.

Under current law, workers' compensation claims must be filed within one year of the date of injury or within three years of the first manifestation of an occupational disease.

EFFECTIVE DATE: Upon passage and applicable to any claim pending or filed on or after the effective date.

**BACKGROUND*****In the Line of Duty***

By law, "in the line of duty" means any action (1) that a police officer is obligated or authorized by law, rule, regulation, or written condition of employment to perform or (2) for which the police officer

is compensated by the public entity the officer serves.

***Legislative History***

On April 8, the Senate referred the bill (File 125) to the Appropriations Committee. The committee voted the bill out on April 12, with substitute language applying the bill to threatening mammals, rather than animals.

**COMMITTEE ACTION****Labor and Public Employees Committee**

Joint Favorable Change of Reference

Yea 11 Nay 0 (03/04/2010)

**Public Safety and Security Committee**

Joint Favorable

Yea 19 Nay 1 (03/11/2010)

**Appropriations Committee**

Joint Favorable Substitute

Yea 36 Nay 15 (04/12/2010)